

## **REMARKS**

Claims 2, 3, 6-9, 11, 12 and 15-18 have been withdrawn from prosecution at this time in the election made pursuant to the restriction imposed. Therefore, claims 1, 4, 5, 10, 13 and 14 are the claims currently being prosecuted.

### ***Formal Matters***

Applicant respectfully requests that the Examiner acknowledge the claim for foreign priority and the receipt of the priority document.

Applicant thanks the Examiner for acknowledging review and consideration of the references cited in the Information Disclosure Statements filed on December 6, 2000 and August 22, 2003.

### ***Rejection of Claims 1 and 5 under 35 U.S.C. §103***

Claims 1 and 5 are rejected under 35 U.S.C. §103 as being as being obvious from Maeda et al., U.S. Patent No. 5,914,756, Rubin et al., U.S. Patent No. 6,108,365, and Thibadeau et al., U.S. Patent No. 5,432,542. This rejection is traversed.

According to an aspect of Applicant's claimed invention, a receiving unit determines whether or not to play back the contents according to the execution of a program that is broadcast to the receiving unit. Further, this determination may be based on attribute information saved in the receiving unit.

For at least the following reasons, Applicant's invention as claimed in claims 1 and 5 are neither anticipated by nor obvious from the cited references. By way of example, claims 1 and 5 require writing the current time at a time attribute value

storage location of the user attribute storage unit, writing the current place at a place attribute value storage location of the user attribute storage unit, and referring to the attribute value of the user attribute storage unit to interpret and execute the execution program.

Maeda discloses a technique to obtain from the local server, for example, the shelter information, the local information, and the weather forecast at the time of a disaster by giving the telephone number of a local server for obtaining a regional ID and related information as the teletext data transmitted with the broadcasting contents. (Embodiment 6).

Maeda does not disclose or suggest determining whether or not the received contents should be played back using the time information and place information as indicated by the present invention. Maeda determines what kind of information should be obtained from other local server different from the broadcasting transmission means and provided to the user.

Clearly, Maeda does not disclose or suggest referring to the attribute value of the user attribute storage unit to interpret and execute the execution program. As discussed, the user attribute storage unit includes the current time at a time attribute value storage location of the user attribute storage unit, and the current place at a place attribute value storage location of the user attribute storage unit.

Rubin discloses a method of obtaining the present location. Thibadeau discloses a technique for the user to input his position information. However, Maeda, Rubin and Thibadeau, even taken in combination as a whole, merely increase the standards for the selection of the information to be obtained from a local server. They do

not disclose determining whether or not to play back the received contents. Therefore, Maeda, Rubin and Thibadeau, even taken in combination as a whole, do not disclose or suggest the recitations of independent claims 1 and 5.

In addition, the cited references do not disclose or suggest transmitting the program that determines whether or not the contents should be played back at the same time with the broadcasting contents. Accordingly, this rejection should now be withdrawn.

***Rejection of Claims 4, 10, 13 and 14 under 35 U.S.C. §103***

Claims 4, 10, 13 and 14 are rejected under 35 U.S.C. §103 as being as being obvious from Maeda et al., U.S. Patent No. 5,914,756. This rejection is traversed.

Independent claims 4, 10, 13 and 14 require broadcasting an execution program for determining whether to play back the broadcasting contents on the receiving side.

As discussed, Maeda determines what kind of information should be obtained from other local servers different from the broadcasting transmission means and provided to the user. Maeda does not disclose or suggest determining whether or not the received contents should be played back using based on a broadcasted execution program. Further, Maeda does not disclose or suggest transmitting the program that determines whether or not the contents should be played back at the same time with the broadcasting contents.

Therefore, Maeda does not disclose or suggest the recitations of independent claims 4, 10, 13 and 14. Accordingly, this rejection should now be withdrawn.

For at least the reasons set forth in the foregoing discussion, Applicant believes that the Application is now allowable and respectfully requests that the Examiner reconsider the rejections and allow the Application. Should the Examiner have any questions regarding this Amendment, or regarding the Application generally, the Examiner is invited to telephone the undersigned attorney.

Respectfully submitted,



George Brieger  
Registration No. 52,652

Scully, Scott, Murphy & Presser  
400 Garden City Plaza  
Suite 300  
Garden City, New York 11530  
(516) 742-4343 Ext. 508

GB:kd